



TITLE IV: ACID RAIN PERMIT

In accordance with Titles IV and V of the Clean Air Act and Missouri State Rule 10 CSR 10-6.270, *Acid Rain Source Permits Required*, the State of Missouri issues this Acid Rain Permit.

Installation Name: Aquila - Lake Road, ORIS Code: 2098
Project Number: 2004-07-005, **Permit Number:**
Unit ID: 6
Effective Dates: January 1, 2005 through December 31, 2009

The permit application submitted for this source, as corrected by the State of Missouri Department of Natural Resources (MDNR), Air Pollution Control Program (APCP), Operating Permit Section, is attached. The owners and operators of this source must comply with the standard requirements and special provisions set forth in this application.

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by the United States Environmental Protection Agency. Pursuant to 40 CFR 72.84, *Automatic permit amendment*, this does not necessitate a revision to any unit SO₂ allowance allocations identified in this permit.

Unit 6 does not have NO_x limits and does not require a NO_x Compliance Plan, because it is a cyclone boiler with a name plate capacity of about 20 MWe. As inferred from 40 CFR 76.6(a)(2), this exempts it. This exemption is made clear in the preamble to the final rule, which states "EPA has decided not to set a NO_x emission limitation for cyclone boilers of 155 MWe or less." (*Federal Register*, December 19, 1996, "Acid Rain Program; Nitrogen Oxides Emission Reduction Program," Page 67114)

This acid rain permit is effective for the five-year period shown above, per 40 CFR 72.69, *Issuance and effective date of acid rain permits*. The designated representative must submit an application for renewal of this permit no later than June 30, 2009, per 40 CFR 72.30, *Requirement to apply*,

Date

Director or Designee,
Department of Natural Resources



Acid Rain Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31

This submission is: ☐ New ☒ Revised

STEP 1

Identify the source by
plant name, State, and
ORIS code.

Plant Name	Lake Road	State	MO	ORIS Code	2098
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STEP 2

Enter the unit ID#
for every affected
unit at the affected
source in column "a."
For new units, enter the
requested information in
columns "c" and "d."

a	b	c	d
Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	New Units Commence Operation Date	New Units Monitor Certification Deadline
6	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		

Plant Name (from Step 1)	Lake Road
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Permit Requirements**STEP 3****Read the
standard
requirements**

- (1) The designated representative of each affected source and each affected unit at the source shall:
 - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
 - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
 - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - (ii) Have an Acid Rain Permit.

Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

- (1) The owners and operators of each source and each affected unit at the source shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

**STEP 3,
Cont'd.**

Nitrogen Oxides Requirements The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

- (1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
 - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
 - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

Plant Name (from Step 1)	Lake Road
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Step 3,
Cont'd.

Liability, Cont'd.

- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

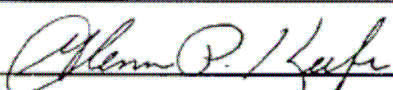
- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Certification

Read the
certification
statement,
sign, and
date

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name Glenn P. Keefe	
Signature 	Date 6-25-04

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jeff Creason
Environmental Engineer
Aquila – Lake Road
10700 East 350 Highway
PO Box 11739
Kansas City, MO 64138

Re: Acid Rain Program, Permit for
Installation Name: Aquila – Lake Road, ORIS Code: 2098
Unit IDs: 6
Project Number: 2004-07-005, Permit Number:
Effective Dates: January 1, 2005 through December 31, 2009

Dear Mr. Creason:

The Department of Natural Resources, Air Pollution Control Program, has completed its review of your application for a permit for this unit under the Acid Rain Program. This application is complete and is *accepted*. Please note that you are required to operate your installation under the terms as submitted and outlined in your application. It is very important that you read and understand this legal document.

This acid rain permit is effective for the five-year period shown above, per 40 CFR 72.69, *Issuance and effective date of acid rain permits*. You are required to submit an application for renewal of this permit no later than June 30, 2009, per 40 CFR 72.30, *Requirement to apply*.

Mr. Jeff Creason
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If you have any questions regarding this matter, please contact the Air Pollution Control Program Operating Permits Unit at (573) 751-4817, or you may write to the Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102. Thank you for your time and attention.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Michael J. Stansfield, P.E.
Operating Permit Unit Chief

MJS:csk

Enclosure

c: Ms. Tamara Freeman, US EPA Region VII
Richard Vani, Kansas City Regional Office
PAMS File: 2004-07-005

CERTIFIED MAIL, 70041160000081716985
RETURN RECEIPT REQUESTED

Mr. Jeff Creason:
Environmental Engineer
Aquila – Lake Road
10700 East 350 Highway
PO Box 11739
Kansas City, MO 64138

Re: Draft Acid Rain Permit– Project (PAMS): 2004-07-005

Dear Mr. Creason:

The Air Pollution Control Program (APCP) has completed the preliminary review of your acid rain (Title IV) permit application. A public notice will be placed in the St. Joseph News-Press on Sunday, June 25, 2006.

The APCP will accept comments regarding the draft permit that are postmarked on or before July 24, 2006. It is very important that you read and understand this legal document. You will be held responsible for complying with this document.

Please address comments or recommendations for changes to my attention at:
Operating Permits Unit
Air Pollution Control Program
P.O. Box 176
Jefferson City, MO 65102

A copy of this draft is also being sent to the U.S. EPA's Region VII office in Kansas City for their review. The Region VII office is afforded, by law, oversight authority on any Title IV permit which Missouri (or any of the other states in the region) proposes to issue. A public hearing may be held if interest is expressed by the public.

Mr. Jeff Creason

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Should you have any questions, or wish clarification on any items in this draft permit, please feel free to contact me at (573) 751-4817, or you may write to the Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Cheryl Steffan
Environmental Engineer

CAS/kdm

Enclosure

c: Ms. Tamara Freeman, US EPA Region VII
PAMS File: 2004-07-005

Mr. Jan Sides, Director
Kansas Bureau of Air & Radiation
Forbes Field, Building 283
Topeka, KS 66620

RE: Affected States Review – Notification of Proposed Final Acid Rain Permit

Dear Mr. Sides:

In accordance with Missouri State Rule 10 CSR 10-6.270, 40 CFR 72.65(b)(1)(ii). and the Clean Air Act, this letter is to notify you of public notice of the preliminary draft and request for comments for:

Aquila – Lake Road located in Kansas City, MO 64138

Project Number – 2004-07-005

Public notice will be published in the St. Joseph News-Press in St. Joseph MO on Sunday, June 25, 2006

You are invited to submit any relevant information, materials, and views in support of or in opposition to the draft permit in writing by no later than July 24, 2006 to my attention at Missouri Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102.

Should you require further information or documentation on this matter, please contact the Operating Permits Unit at (573) 751-4817, or you may write to the Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102. Thank you for your time and attention.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Michael J. Stansfield, P.E.
Operating Permit Unit Chief

MJS:csk

For Publication on Sunday, June 25, 2006

Notice of documents available for public viewing
Department of Natural Resources
Division of Environmental Quality
Air Pollution Control Program

A draft Acid Rain Permit has been issued for the following air pollution sources:

Installation	City	Project #
Aquila – Lake Road	Kansas City	2004-07-005

Copies of the draft permit are available for public comment. Public files containing copies of all non-confidential materials and a copy or summary of other materials, if any, considered in this draft permit, are available for public viewing at the following locations: MO Dept. of Natural Resources, Kansas City Regional Office, 500 NE Colbern Road, Lee's Summit, MO 64086-4710 or by written request from the Air Pollution Control Program, Operating Permits Unit, P.O. Box 176, Jefferson City, MO 65102 (Information deemed confidential business information pursuant to Missouri State Rule 10 CSR 10-6.210, *Confidential Information*, if any exists, is not included in the public files. Emission data, as defined by this rule, cannot be considered confidential business information.)

The file is available for viewing through July 24, 2006. Citizens are invited to submit any relevant information, materials, and views in support of or in opposition to the draft permit in writing no later than July 24, 2006. Written comments and/or requests for public hearing should be sent to Mr. Jim Kavanaugh, Missouri Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102.

The Air Pollution Control Program will hold an informal public hearing after an additional 30 day comment period on the draft permit if: 1) A timely request is made for such a hearing during the public comment period; and 2) The person requesting the hearing identifies material issues concerning the preliminary determination and the Air Pollution Control Program determines that a public hearing will be useful in resolving those issues.

This public notice is made pursuant to Missouri State Rule 10 CSR 10-6.270, *Acid Rain Source Permits Required*.

St. Joseph News-Press
825 Edmond Street
PO Box 29
St. Joseph, MO 64502

Attention: Legal Ads

To Whom It May Concern:

We wish to place the attached legal advertisement in your newspaper to be run ONCE. It must run on Sunday, June 25, 2006.

We require a certified affidavit of publication. This must be received in our office by July 7, 2006. Please submit the affidavit and invoice for payment to:

Attention: Cheri Bechtel
Department of Natural Resources
Air Pollution Control Program
P. O. Box 176
Jefferson City, MO 65102

If you have any questions, please contact me at (573) 751-4817. Thank you for your assistance.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Michael J. Stansfield, P.E.
Operating Permits Unit Chief

MJS/csk

c: Cheri Bechtel, Procurement Clerk
PAMS File: 2004-07-005

MISSOURI DEPARTMENT OF NATURAL RESOURCES FOLDER TRANSMITTAL ROUTING SHEET		Document #: Division Log #: Program Log #:
DEADLINE: Date Penalty for Missing Deadline: None		
Aquila - Lake Road		2004-07-005
Originator: Cheryl Steffan		Telephone: (573) 751-4817
		Date:
Typist: Karla Marshall		File Name: : P:\APCP\Permits\Users\Mike Stansfield\Permits under Executive e Road
FOR SIGNATURE APPROVAL OF:		
<input type="checkbox"/> DNR Director <input type="checkbox"/> DNR Deputy Director <input type="checkbox"/> Division Director <input type="checkbox"/> Division Deputy Director X Other: James L. Kavanaugh		
PROGRAM APPROVAL: Approved by:		
Program: APCP Date:		
Other Program Approval (Section/Unit):		
Date:		
Comments:		
ROUTE TO:		
<input type="checkbox"/> DIVISION DIRECTOR APPROVAL:		Date:
Comments:		
<input type="checkbox"/> FINANCIAL REVIEW – DIVISION OF ADMINISTRATIVE SUPPORT:		
DAS Director:		Date:
<input type="checkbox"/> Fee Worksheet Received By:		Date:
Accounting:		Date:
Budget:		Date:
General Services:		Date:
Internal Audit:		Date:
Purchasing:		Date:
Comments:		
<input type="checkbox"/> LEGAL REVIEW:		
<input type="checkbox"/> General Counsel:		Date:
<input type="checkbox"/> AGO:		Date:
Comments:		
<input type="checkbox"/> DEPARTMENT DIRECTOR APPROVAL:		Date:
Comments:		
<input type="checkbox"/> NOTARIZATION NEEDED		
		INITIALS/DATE